

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-10 EA-07 EUR-12 NEA-10

DHA-02 CIAE-00 DODE-00 PM-05 H-01 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

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-----007927 131753Z /42

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FM USMISSION USUN NY

TO SECSTATE WASHDC 4861

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E.O. 11652: N/A

TAGS: PFOR, UN, GW

SUBJ: AD HOC COMITE ON TAKING OF HOSTAGES

SUMMARY: WITH FRG (BRACKLO) IN CHAIR, COMMITTEE BEGAN CONSIDERATION OF SUBSTANTIVE PROPOSALS OF STATES AT PM AUG 11 MEETING. FRG INTRODUCED THEIR DRAFT CONVENTION. ALGERIA AND TANZANIA INTRODUCED ORAL PROPOSALS AND LESOTHO, MEXICO, GUINEA, NETHERLANDS AND UK ALSO TOOK FLOOR. END SUMMARY.

1. IN ANTICIPATION OF FACT HARRIMAN, CHAIRMAN, WOULD BE ABSENT FROM PM MEETING, US AND UK MET WITH FRG OVER WAY BRACKLO (FRG) SHOULD BEGIN THE PM MEETING AS ACTING CHAIRMAN. US AND UK BOTH STRONGLY URGED HESITANT BRACKLO TO BEGIN MEETING BY SAYING THAT IT HAD BEEN DECIDED AT MORNING SESSION TO BEGIN CONSIDERATION OF STATE PROPOSALS AND THEN CALL ON FRG AMBASSADOR TO EXPLAIN FRG DRAFT IN DETAIL. BRACKLO BEGAN MEETING AS INDICATED, AND WAS NOT CHALLENGED.

2. AFRICANS HELD EXTREMELY LENGTHY GROUP MEETING BEFORE PM SESSION. IN LIGHT OF OBVIOUS ALGERIAN EFFORT TO PREVENT
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COMITE FROM COMMENCING ANY DISCUSSION OF SPECIFIC PROPOSALS AND FAILURE OF GROUP TO OBJECT TO COMMENCEMENT IT APPEARS LIKELY AFRICANS REFUSED TO FOLLOW ALGERIAN LEAD AND HAVE INSTEAD OPTED FOR MORE SELF-RESPECTING APPROACH OF SUBMITTING HARASSING PROPOSALS.

3. AMB. VON WECHMAR INTRODUCED FRG DRAFT, GIVING BRIEF

EXPLANATION OF THE IMPORT OF EACH ARTICLE AND PRECEDENT FOR ITS DRAFTING. NOTED THAT THE CONVENTION DID NOT HAVE TO MENTION NATIONAL LIBERATION MOVEMENTS SINCE IT WOULD NOT INTERFERE WITH THE GENEVA CONVENTIONS WHICH ALREADY PROHIBITED THE TAKING OF HOSTAGES.

4. ALGERIA MADE ORAL PROPOSAL WHICH HE SAID HE WOULD LATER ELABORATE. SUBMITTED ORALLY THAT THE PREAMBLE OF ANY DRAFT CONVENTION SHOULD REFER TO THE UNGA RESOLUTION ON RIGHTS OF COLONIAL PEOPLES AND SHOULD ACKNOWLEDGE THAT THE INTERNATIONAL COMMUNITY CANNOT TAKE REPRESSIVE MEASURES AGAINST A PERSON WHO TAKES HOSTAGES IN THE COURSE OF HIS STRUGGLE FOR SELF-DETERMINATION, ETC., ETC.

5. LESOTHO SUPPORTED ALGERIA AND THEN CRITICIZED ARTICLE 1 OF FRG DRAFT FOR FAILING TO DISTINGUISH BETWEEN PERSONS WHO TAKE HOSTAGES FOR PERSONAL REASONS, FOR POLITICAL REASONS, OR IN THE COURSE OF A STRUGGLE FOR SELF-DETERMINATION RECOGNIZED BY THE UNITED NATIONS. SAID FRG DRAFT FAILED TO TAKE INTO ACCOUNT THE MENTAL STATE OF THE PERSON TAKING HOSTAGES AND THAT MENS REA WAS A NECESSARY ELEMENT OF ANY CRIMINAL OFFENSE.

6. TANZANIA PROPOSED A DEFINITION OF HOSTAGE WHICH WOULD EXCLUDE PERSONS OF A COLONIAL OR RACIST OR OCCUPYING REGIME TAKEN BY PERSONS STRUGGLING FOR THE RIGHT OF LIMITED OFFICIAL USE

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SELF-DETERMINATION.

7. MEXICO SUPPORTED TANZANIA BECAUSE IT SAID SITUATION OF NATIONAL LIBERATION MOVEMENTS WAS ALREADY COVERED BY PROTOCOLS TO THE GENEVA CONVENTIONS. SAID THAT THERE WAS NO NEED FOR THIS CONVENTION TO DUPLICATE EXISTING LAW, AND THAT IT SHOULD THEREFORE NEVER APPLY IN THE CASE OF ARMED CONFLICT.

8. LESOTHO AND GUINEA SUPPORTED TANZANIA.

9. NETHERLANDS SUPPORTED FRG DRAFT. SAID THAT END DOES NOT JUSTIFY MEANS AND THAT NO MATTER HOW MUCH WE SYMPATHIZE WITH A CERTAIN CAUSE, WE COULD NOT SANCTION THEIR RESORT TO CERTAIN METHODS OF ACCOMPLISHING THEIR GOALS.

10. UK RESPONDED TO LESOTHO THAT REQUIREMENT IN ART. 1 THAT HOSTAGE TAKER ACT IN ORDER TO INFLUENCE CONDUCT OF OTHERS PROVIDED THE REQUISIT MENS REA. LESOTHO RESPONDED THAT IT PERHAPS DIDN'T MEAN MENS REA BUT THAT FRG DRAFT STILL FAILED TO TAKE INTO ACCOUNT THE MOTIVE OF THE TAKER OF HOSTAGES.

LEONARD

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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Subject: AD HOC COMITE ON TAKING OF HOSTAGES SUMMARY: WITH FRG (BRACKLO) IN CHAIR, COMMITTEE BEGAN CONSIDERATION OF SUBSTANTIVE PROPOSALS OF STATES A
TAGS: PFOR, PINS, PORG, GE, UN
To: STATE
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/0f37f25a-c288-dd11-92da-001cc4696bcc
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